

Reconsideration in view of the above amendments and following remarks is respectfully requested.

The attached Appendix includes a marked-up copy of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicant greatly appreciates the courtesies extended by Primary Examiner Dam and Examiner Kendall to Applicant's representatives during the March 19, 2002 personal interview. The points discussed during the interview are incorporated into the Remarks below and constitute Applicant's record of the interview.

Claims 1-8, 10 and 11 were rejected under 35 U.S.C. §102(e) over Fletcher et al. (hereinafter Fletcher), U.S. Patent No. 6,009,274 and claims 12-16 were rejected under 35 U.S.C. §103(a) over Fletcher. The rejections are respectfully traversed.

As agreed during the interview, Fletcher fails to teach, disclose or suggest all of the features of Applicant's claims 1, 4, 6, 10, 12 and 15 as well as all the features of claims 2 and 3 which depend from claim 1, claim 5 which depends from claim 4, claims 7 and 8 which depend from claim 6, claim 11 which depends from claim 10, claims 13 and 14 which depend from claim 12, and claim 16 which depends from claim 15. It is respectfully requested the rejections be withdrawn.

Claim 9 was rejected under 35 U.S.C. §103(a) over Furner et al. (hereinafter Furner), U.S. Patent No. 5,974,474. The rejection is respectfully traversed.

As agreed during the interview, Furner fails to overcome the deficiencies of Fletcher as applied to claim 6 or teach, disclose or suggest all the features of Applicant's claim 9. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, reconsideration of the application is requested. Favorable reconsideration and prompt allowance of claims 1 - 19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:MMI/sxb

Attachments:

Appendix
Petition for Extension of Time
Amendment Transmittal

Date: March 22, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--

APPENDIX

Changes to Claims:

Claims 17-19 are added.

The following is a marked-up version of each amended claim:

1. (Amended) A peripheral program rewriting device connected to a network comprising:

a transmission unit that performs transmission and reception of data over a the network to and from another peripheral device and other devices connected to the network;

a memory that stores a software program to be used by the peripheral device for executing prescribed operations;

a type judgement unit that judges whether the another peripheral device stores, in a rewritable manner, the a same type of software program as the software program stored in the memory, the same type of software program being software to be used by the another peripheral device for executing prescribed operations;

an old/new judgement unit that, when the type judgement unit judges that the another peripheral device stores the same type of software program in a rewritable manner, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory is older; and

a first rewrite unit that, when the new/old judgement unit judges that the same type of software program stored in the another peripheral device is older than the software stored in the memory, rewrites the same type of software program stored in the another peripheral device in the manner of into the software program stored in the memory.

2. (Amended) A program rewriting peripheral device as claimed in claim 1, wherein the memory stores the software program in a rewritable manner, and further

comprising a second rewrite unit that when the old/new judgement unit judges that the same type of software program stored in the another peripheral device is newer than the software stored in the memory, rewrites the software program stored in the memory ~~in the manner~~ ~~efinto~~ the same type of software program stored in the another peripheral device.

3. (Amended) A ~~program rewriting peripheral~~ device as claimed in claim 1, wherein the type judgement unit performs judgement for all other peripheral devices connected to the network; and the old/new judgement unit performs judgement on the all other devices that are judged to store the same type of software program by the type judgement unit.

4. (Amended) A ~~program rewriting peripheral~~ device connected to a network comprising:

a transmission unit that performs transmission and reception of data over a ~~the~~ network to and from another peripheral device ~~and other devices~~ connected to the network;

a memory that stores a software program in a rewritable manner, the software program being software used by the peripheral device for executing prescribed operations;

a type judgement unit that judges whether the another peripheral device stores ~~the-a~~ same type of software program as the software program stored in the memory;

an old/new judgement unit that, when the type judgement unit judges that the another peripheral device stores the same type of software program, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory is newer; and

a rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the another device is newer than the software stored in the

memory, rewrites the software program stored in the memory ~~in the manner of~~ into the same type of software program stored in the another device.

5. ~~(Amended)~~ A peripheral program rewriting device as claimed in claim 4, wherein the type judgement unit performs judgement for all other devices connected to the network; and the old/new judgement unit performs judgement on all other devices that are judged to store the same type software program by the type judgement unit.

6. ~~(Amended)~~ A network system comprising:

 a network;

 a peripheral program rewriting device connected to the network; and

 another peripheral device connected to the network and having a memory that stores, in a rewritable manner, a software program to be used by the another peripheral device for executing prescribed operations; and

 other devices connected to the network, each having a memory that stores, in a rewritable manner, a software program,

wherein the peripheral program rewriting device comprising:

a transmission unit that performs transmission and reception of data over a ~~the~~ network to and from the another peripheral device and all other devices connected to the network;

a memory that stores a software program to be used by the peripheral device for executing prescribed operations;

a type judgement unit that judges whether the another peripheral device stores the ~~a~~ same type of software program as the software program stored in the memory of the peripheral program rewriting device;

an old/new judgement unit that, when the type judgement unit judges that the another peripheral device stores the same type of software program in a rewritable

manner, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory of the peripheralprogram rewriting device is older; and

_____ a first rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the another peripheral device is older than the software program stored in the memory of the peripheralprogram rewriting device, rewrites the same type of software program stored in the another peripheral device in the manner of into the software program stored in the memory of the peripheralprogram rewriting device.

7. (Amended) The network system as claimed in claim 6, wherein the memory stores the software program in a rewritable manner, and further comprising a second rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the another peripheral device is newer than the software program stored in the memory of the peripheralprogram rewriting device, rewrites the software program stored in the memory of the peripheralprogram rewriting device in the manner of into the same type of software program stored in the another peripheral device.

8. (Amended) The network system as claimed in claim 6, wherein the type judgement unit performs judgement for all other peripheral devices connected to the network; and the old/new judgement unit performs judgement on all other peripheral devices that are judged to store the same type software program by the type judgement unit.

9. (Amended) The network system as claimed in claim 6, wherein at least one of the peripheral program rewriting device and the another peripheral device includes a rewrite prevention unit that prevents rewrite of the software program stored in the memory of at least one of the peripheralprogram rewriting device and the another peripheral device, and wherein the first rewrite unit or second rewrite unit does not rewrite the software program that the rewrite prevention unit prevents the rewrite of.

10. (Amended) A network system comprising:
- a network;
- a peripheral program rewriting device connected to the network; and
- another peripheral device connected to the network and having a memory that stores, in a rewritable manner, a software program; and
- ~~other devices connected to the network, each having a memory that stores, in a rewritable manner, a software program,~~
- ~~wherein the peripheral program rewriting device comprising:~~
- ~~a transmission unit that performs transmission and reception of data over a~~the~~ network to and from the another device and all other devices connected to the network;~~
- ~~a memory that stores a software program in a rewritable manner;~~
- ~~a type judgement unit that judges whether the another peripheral device stores the same type of software program as the software program stored in the memory of the peripheral program rewriting device;~~
- ~~an old/new judgement unit that, when the type judgement unit judges that the another peripheral device stores the same type of software program, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory of the peripheral program rewriting device is newer;~~
- ~~a first rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the memory of the another peripheral device is older than the software stored in the memory of the peripheral program rewriting device, rewrites the same type of software program stored in the memory of the another peripheral device ~~in the manner of~~ into the software program stored in the memory of the peripheral program rewriting device; and~~

_____ a second rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the memory of the another peripheral device is newer than the software stored in the memory of the peripheralprogram rewriting device, rewrites the software program stored in the memory of the peripheralprogram rewriting device ~~in the manner of~~into the same type of software program stored in the memory of the another peripheral device.

12. (Amended) A memory medium storing programs comprising:
 - a first program of judging whether a peripheral device connected to a network stores, in a rewritable manner, the same type of software program as a software program stored in a reference memory ~~accessible through~~connected to the network;
 - a second program of judging which of the same type of software program stored in the peripheral device and the software program stored in the reference memory is older when the peripheral device is judged to store the same type of software program in a rewritable manner; and
 - a third program of rewriting the same type of software program stored in the peripheral device in the manner of the software program stored in the reference memory when the same type of software program stored in the peripheral device is judged to be older than the software stored in the reference memory.

13. (Amended) The memory medium as claimed in claim 12, further comprising a fourth program of rewriting the software program stored in the reference memory ~~in the manner of~~into the same type of software program stored in the peripheral device when the same type of software program stored in the peripheral device is judged to be newer than the software stored in the reference memory.

15. (Amended) A memory medium storing programs comprising:

a first program of judging whether a peripheral device connected to the-a network stores the same type of software program as a software program stored in a reference memory;

a second program of judging which of the same type of software program stored in the peripheral device and the software program stored in the reference memory is newer when the first program judges that the peripheral device stores the same type of software program; and

a third program of rewriting the software program ~~stored~~-stored in the reference memory ~~in the manner of~~into the same type of software program stored in the peripheral device when the second program judges that the same type of software program stored in the peripheral device is newer than the software stored in the reference memory.